

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LEVI ESSAU CARDENAS-PENA,

Defendant.

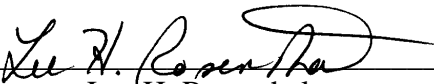
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CRIMINAL ACTION NO. H-09-196-1

**ORDER**

Counsel for the defendant has asked this court to appoint counsel for proceedings on remand to determine whether the untimely filing of the notice of appeal was due to excusable neglect or good cause. The motion is granted. Magistrate Judge Milloy will appoint new counsel.

SIGNED on February 1, 2010, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge